

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kerrin Andrus,

Case No.: 2:20-cv-01611-APG-VCF

Plaintiff

Order

v.

Clark County Detention Center,

Defendant

This action began with a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a former state prisoner. On June 28, 2021, the magistrate judge issued an order directing Andrus to file his updated address with this court on or before July 26, 2021. ECF No. 6. The deadline has now expired, and Andrus has not filed his updated address or otherwise responded to the court's order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (affirming dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)

1 (affirming dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d
2 1421, 1424 (9th Cir. 1986) (affirming dismissal for lack of prosecution and failure to comply
3 with local rules).

4 In determining whether to dismiss an action for lack of prosecution, failure to obey a
5 court order, or failure to comply with local rules, I must consider several factors: (1) the public's
6 interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the
7 risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
8 merits; and (5) the availability of less drastic alternatives. *See Thompson*, 782 F.2d at 831;
9 *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61;
10 *Ghazali*, 46 F.3d at 53.

11 Here, I find that the first two factors, the public's interest in expeditiously resolving this
12 litigation and the court's interest in managing the docket, weigh in favor of dismissal. The third
13 factor, risk of prejudice to Defendants, also weighs in favor of dismissal, since a presumption of
14 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
15 or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The
16 fourth factor—public policy favoring disposition of cases on their merits—is greatly outweighed
17 by the factors in favor of dismissal discussed herein. Finally, a court's warning to a party that his
18 failure to obey the court's order will result in dismissal satisfies the "consideration of
19 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*,
20 779 F.2d at 1424. The magistrate judge's order requiring Andrus to file his updated address with
21 the court by July 26, 2021 expressly stated: "It is further ordered that, if [Andrus] fails to timely
22 comply with this order, this case will be subject to dismissal without prejudice." ECF No. 6 at 2.
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1 Thus, Andrus had adequate warning that dismissal would result from his noncompliance with the
2 court's order to file his updated address by July 26, 2021.

3 I order that this action is dismissed without prejudice based on Andrus's failure to file an
4 updated address in compliance with this court's June 28, 2021, order.

5 I order that the Clerk of Court will close the case and enter judgment accordingly.

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7 Dated: August 3, 2021

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10 U.S. District Judge
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